

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

SanDisk Corporation,

Plaintiff,

v.

Phison Electronics Corp., et al.,

Defendants.

Case No. 07-C-0605-C

Case No. 07-C-0607-C

[consolidated cases]

**STIPULATION AND ORDER DISMISSING REMAINING CLAIMS FOR RELIEF**

Plaintiff SanDisk Corporation (“SanDisk”) has asserted patent infringement claims in its complaints against Kingston Technology Co., Inc. and Kingston Technology Corp. (collectively “Kingston”). On February 15, 2010, the Court issued a summary judgment decision that granted in part and denied in part summary judgment motions filed by SanDisk and Kingston. As a result of the Court’s order, the only issues remaining for trial relate to products containing PS3006 Phison controller sold on or after October 24, 2007, and the validity and enforceability of U.S. Patent No. 6,763,424.

Rather than continuing to litigate its remaining claim against Kingston products containing the Phison PS3006 controller, SanDisk agrees to dismiss its infringement claim, without prejudice to re-file, if, and only if, both (a) an appellate court reverses, remands, or vacates, in whole or in part, the Court’s September 22, 2010 Claim Construction Order (D.I. 604)<sup>1</sup> or the Court’s February 15, 2010 Order regarding summary judgment (D.I. 1035), and (b) the case is returned to the District Court for further proceedings.

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<sup>1</sup> Docket entries in this pleading refer to Civ. Action No. 07-C-0605-C.

Kingston has pending counterclaims alleging invalidity and/or unenforceability of each of the SanDisk patents asserted in this action. Considering that as a result of the Court's order and the stipulation by SanDisk no infringement claims remain against Kingston products, Kingston voluntarily dismisses its claims without prejudice to re-file them in this case if, and only if, both (a) an appellate court reverses, remands, or vacates, in whole or in part, the Court's September 22, 2010 Claim Construction Order (D.I. 604) or the Court's February 15, 2010 Order regarding summary judgment (D.I. 1035), and (b) the case is returned to the District Court for further proceedings.

This Stipulation shall not in any way prejudice any parties' right to appeal this matter in whole or in part, including, but not limited to, an appeal of the Court's September 22, 2010 Claim Construction Order (D.I. 604) or the Court's February 15, 2010 Order regarding summary judgment (D.I. 1035). This stipulation also shall not in any way affect any pending assertion or defense in Civil Action 10-CV-00243.

Dated: February 17, 2011

/s/ James C. Yoon

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**Attestation Clause Regarding Signatures**

I hereby attest that I have on file permission to sign for counsel indicated by a  
“conformed” signature (/s/) within this document.

/s/ Leeron G. Kalay  
David Barkan

**So ORDERED and SIGNED this \_\_\_\_\_ day of February, 2011.**

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**BY THE COURT**

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